

GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION

Bibo-Seboyeta Sewage Lagoons, DP-138

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-138, to the Cebolleta Land Grant (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Bibo-Cebolleta Sewage Lagoons (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 24,000 gallons per day (gpd) of domestic wastewater is discharged to two synthetically-lined impoundments, in parallel, for disposal by evaporation.

The modification consists of a change in the location of the discharge to the present two synthetically-lined evaporation impoundments and the abandonment of the three clay-lined bottom and synthetically-lined sidewall impoundments.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC.

The facility is located at off of State Road 279, approximately 0.7 miles southeast of Bibo in Section 21, Township 11N, Range 05W, Cibola County. Groundwater beneath the site is at a depth of approximately 100 feet and has a total dissolved solids concentration of approximately 650 milligrams per liter.

The original Discharge Permit was issued on July 13, 2001. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated October 11, 2012 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under

this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA; WQCC Regulations; applicable federal, state, and/or local laws; and regulations such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations are used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
Cl	chloride	NO ₃ -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	= TKN + NO ₃ -N
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 24,000 gpd of domestic wastewater to two synthetically-lined impoundments, in parallel, for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	<p>Within 180 days following the date the term of this Discharge Permit begins (by DATE), the permittee shall submit an up-to-date diagram of the layout of the entire facility to NMED. The diagram shall include the following elements:</p> <ul style="list-style-type: none">• a north arrow;• the effective date of the diagram;• the sewage collection system;• all groundwater monitoring wells;• lift station;• force main between lift station and evaporation impoundments; and• the two synthetically-lined evaporation impoundments. <p>Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Operating Conditions

#	Terms and Conditions
4.	<p>The permittee shall maintain fences around the two synthetically-lined evaporation impoundments and lift station to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The permittee shall maintain signs indicating that the wastewater at the two synthetically-lined evaporation impoundments and lift station is not potable. Signs shall be posted at the impoundments and lift station entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>The permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the structural integrity of the impoundments and/or impoundment liners. Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs, or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. <p>Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liners. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundments, the permittee shall enact the contingency plan set forth in this Discharge</p>

#	Terms and Conditions
	<p>Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the lift station on a quarterly basis, and clean as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs, and cleanings and make them available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
10.	<p>The permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents.</p> <ul style="list-style-type: none"> a) American Public Health Association, <i>Standard Methods for the Examination of Water and Wastewater</i> b) U.S. Environmental Protection Agency, <i>Methods for Chemical Analysis of Water and Waste</i> c) U.S. Geological Survey, <i>Techniques for Water Resources Investigations of the U.S. Geological Survey</i> d) American Society for Testing and Materials, <i>Annual Book of ASTM Standards, Part 31. Water</i> e) U.S. Geological Survey, et al., <i>National Handbook of Recommended Methods for Water Data Acquisition</i> f) <i>Federal Register</i>, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations g) <i>Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods</i>, American Society of Agronomy

#	Terms and Conditions
	[Subsection B of 20.6.2.3107 NMAC]
12.	<p>The permittee shall submit quarterly monitoring reports to NMED.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st; • April 1st through June 30th (second quarter) – due by August 1st; • July 1st through September 30th (third quarter) – due by November 1st; and • October 1st through December 31st (fourth quarter) – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
13.	<p>Within 60 days following the effective date of this Discharge Permit (by DATE), the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of all monitoring wells required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information.</p> <ol style="list-style-type: none"> A map showing the proposed location of the monitoring wells from the boundary of the source it is intended to monitor. A written description of the specific location proposed for the monitoring wells including the distance (in feet) and direction of the monitoring wells from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; 30 feet southeast of the re-use area 150 degrees from north. A statement describing the groundwater flow direction beneath the facility, and documentation and/or data supporting the determination. <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall install the following new monitoring wells.</p> <ol style="list-style-type: none"> One monitoring well (MW-1) hydrologically upgradient of the two synthetically-lined evaporation impoundments. One monitoring well (MW-2) located 20 to 50 feet hydrologically downgradient of the two synthetically-lined evaporation impoundments. One monitoring well (MW-3) located at an alternate location from MW-2 and 20 to 50 feet hydrologically downgradient of the two synthetically-lined evaporation impoundments.

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	<p>The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of the facility, or discharge of wastewater from the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
15.	<p>Following the installation of the monitoring wells required by this Discharge Permit, the permittee shall sample groundwater in the wells and analyze the samples for dissolved total Kjeldahl nitrogen (TKN), nitrate-nitrogen (NO₃-N), total dissolved solids (TDS), and chloride (Cl).</p> <p>Groundwater sample collection, preservation, transportation, and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none"> Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. Purge three well volumes of water from the well prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve, and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Well completion reports (including the Office of the State Engineer permits), depth-to-most-shallow groundwater measurements, analytical results, the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring wells.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
16.	<p>Within 150 days following the effective date of this Discharge Permit (by DATE), the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting, and elevation to the nearest hundredth of a foot or shall be in accordance with the “Minimum Standards for Surveying in New Mexico” (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells and referenced to mean sea level. The data shall be used to develop a</p>

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	<p>groundwater elevation contour map showing the location of all monitoring wells and the direction and gradient of groundwater flow at the facility. The data and groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

Ground Water Monitoring Conditions

#	Terms and Conditions
17.	<p>The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for dissolved TKN, NO₃-N, TDS, and Cl.</p> <ol style="list-style-type: none"> MW-1, intended to be located hydrologically upgradient of the two synthetically-lined evaporation impoundments. MW-2, intended to be located hydrologically downgradient of the two synthetically-lined evaporation impoundments. MW-3, intended to be located at an alternate location from MW-2 and hydrologically downgradient of the two synthetically-lined evaporation impoundments. <p>Groundwater sample collection, preservation, transportation, and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none"> Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. Purge three well volumes of water from the well prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve, and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-most-shallow groundwater measurements, analytical results, the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
18.	<p>The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, and obtained from the groundwater monitoring wells required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and</p>

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	<p>identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
19.	<p>NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
20.	<p>The permittee shall estimate the monthly volume of wastewater received by the two synthetically-lined evaporation impoundments. The pumping rate of the influent pumps located in the lift station shall be obtained from the manufacturer specifications or by documented field assessment. The total run time for each pump shall be logged on an hours recorder. The permittee shall record the pump(s) run hours on a monthly basis (pump operating time) and multiply the time by the pumping rate to calculate the estimated monthly influent volume by the formula below.</p> $(\text{pumping rate}) \times (\text{monthly pump operating time}) = \text{estimated monthly influent volume}$ <p>The estimated monthly influent volume shall be used to calculate the average daily influent volume by the formula below.</p> $\text{estimated monthly influent volume} \div \text{number of days between readings} = \text{average daily influent volume}$ <p>The record of the monthly operating time for the pumps, pumping rate, and estimated monthly and average daily influent volume shall be submitted to NMED in the quarterly monitoring reports. The hours recorder shall be kept functional at all times.</p> <p>* Should more than one pump/hours recorder assembly exist at the facility, the permittee shall calculate the estimated monthly volume for the facility by adding the estimated monthly volume determined for each pump/hours recorder assembly. This summation should be completed prior to calculating the average daily volume for the facility.</p>

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	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
21.	<p>The permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from a representative location within the east synthetically-lined evaporation impoundment and the west synthetically-lined evaporation impoundment on a rotational basis. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporation impoundment(s) and thoroughly mixed. The composite sample shall be analyzed for the following:</p> <ul style="list-style-type: none"> • TKN; • NO₃-N; • TDS; and • Cl. <p>Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the monitoring reports due by February 1st and August 1st of each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
22.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section 20.6.2.7 NMAC is present, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a corrective action plan that proposes, at a minimum, source control measures and an implementation schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.</p> <p>If the groundwater standard continues to be violated or the toxic pollutant continues to be present 180 days after the confirmation of groundwater contamination, the permittee may be required to abate water pollution consistent with the requirements and provisions of Section</p>

#	Terms and Conditions
	<p>20.6.24101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
23.	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data, and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment, and documentation of the abandonment procedures shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) is not located hydrologically downgradient of the discharge location(s) it is intended to monitor, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data, and a groundwater elevation contour map within 30 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
25.	<p>In the event that inspection findings reveal significant damage likely to affect the structural</p>

#	Terms and Conditions
	<p>integrity of the lined impoundment(s) or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment(s), the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include removing excess wastewater from the impoundment through pumping and hauling, or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. The name and address of the facility. The date, time, location, and duration of the unauthorized discharge.

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	<p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
28.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN***Closure Actions with Implementation Deadlines***

#	Terms and Conditions
29.	<p>Within 180 days of the effective date of this Discharge Permit (by DATE), the permittee shall submit a sludge removal and disposal plan, for the three abandoned impoundments with clay-lined bottoms and synthetically-lined sidewalls, to NMED for approval. The sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none"> a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundments for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method(s) of sludge <i>removal</i> from the impoundments. d) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundments. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> e) A schedule for completion of sludge removal and disposal not to exceed one year of the effective date of this Discharge Permit (by DATE). <p>The permittee shall initiate implementation of the plan within 30 days following approval by NMED.</p> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures for the impoundments.</p> <ul style="list-style-type: none"> a) Perforate or remove the impoundment liners. b) Fill the impoundments with suitable fill. c) Re-grade the impoundment site to blend with surface topography, promote positive drainage, and prevent ponding. <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions
30.	<p>In the event the facility is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures.</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundments, the line leading to the</p>

#	Terms and Conditions
	<p>impoundments shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundments, wastewater shall be evaporated or drained from the impoundments and lift station and disposed of in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing discharging to the impoundments, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). The method(s) of sludge <i>removal</i> from the impoundments. The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundments. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> Remove all lines leading to and from the impoundments, or permanently plug and abandon them in place. Remove or demolish the lift station and re-grade the area with suitable fill to blend with surface topography, promote positive drainage, and prevent ponding. Perforate or remove the impoundment liners. Fill the impoundments with suitable fill. Re-grade the impoundment site to blend with surface topography, promote positive drainage, and prevent ponding. <p>The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.</p> <p>If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section of 20.6.2.7 NMAC is present in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.</p>

#	Terms and Conditions
	<p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring wells in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
31.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including the following: <ul style="list-style-type: none"> ○ the dates, location, and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement;

#	Terms and Conditions
	<ul style="list-style-type: none"> ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate, or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection, or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
32.	<p>INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
33.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
34.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
35.	<p>PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1st and June 30th of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
36.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
37.	<p>CRIMINAL PENALTIES - No person shall:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state law, federal law, or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or</p>

#	Terms and Conditions
	<p>knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
38.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
39.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
40.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall do the following:</p> <ul style="list-style-type: none"> • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
41.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge</p>

#	Terms and Conditions
	<p>Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department